

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)		
FOR REVIEW BY:	)	CHARGE NO.:	2008CP3091
	)	EEOC NO.:	N/A
<b>LORNA WALKER</b>	)	ALS NO.:	09-0633
	)		
Petitioner.	)		

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Sakhawat Hussain, M.D., Spencer Leak, Sr., and Rozanne Ronen presiding, upon Lorna Walker's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2008CP3091; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

**LACK OF SUBSTANTIAL EVIDENCE**

In support of which determination the Commission states the following findings of fact and reasons:

1. The Petitioner filed a charge of discrimination with the Respondent on March 31, 2008. The Petitioner alleged in her charge that the Illinois Department of Employment Security ("IDES"), denied her the full and equal enjoyment of its facilities and services because of her race, Black (Count A), and in retaliation for having opposed unlawful discrimination (Count B), in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On October 13, 2009, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On November 5, 2009, the Petitioner filed a timely Request.
2. The Petitioner is a former employee of the Will County State's Attorney Office ("WCSAO"). After the WCSAO discharged the Petitioner, the Petitioner began receiving unemployment benefits from IDES in August 2007.
3. On August 27, 2007, the Petitioner filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") against WCSAO.

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

4. On September 10, 2007, WCSAO appealed IDES's decision to grant unemployment benefits to the Petitioner.
5. On October 9, 2007, IDES issued a ruling on the appeal in favor of the Petitioner.
6. WCSAO filed a second appeal with IDES on November 8, 2007. IDES mailed the Petitioner notice that the second appeal had been filed. IDES determined that because WCSAO's second appeal did not contain new evidence, it was unnecessary to mail the Petitioner a copy of the second appeal.
7. On January 25, 2008, IDES reversed its prior ruling and it suspended the Petitioner's benefits. The Petitioner appealed this ruling to the Circuit Court of Will County and the Illinois Appellate Court on the ground that she had been denied due process when IDES did not provide her with a copy of WCSAO's second appeal. The Petitioner's appeals were unsuccessful and IDES's ruling was upheld.
8. In her charge and her Request, the Petitioner contends IDES violated her rights when it did not send her a copy of WCSAO's second appeal, thus allegedly depriving the Petitioner of her right to file a response to the second appeal. The Petitioner contends IDES denied her this right because of her race and in retaliation for having filed an EEOC complaint against WCSAO.
9. In its response to the Request, the Respondent requests that the Commission sustain the dismissal of the Petitioner's charge for lack of substantial evidence because there was no evidence of a nexus between IDES's actions and the Petitioner's race or the Petitioner's EEOC complaint against WCSAO. The Respondent also argues that IDES is not a place of a public accommodation as defined in Article 5 of the Act.

## **Conclusion**

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747 (March 7, 1995), 1995 WL 793258 (Ill.Hum.Rts.Com.)

The Commission finds there is no substantial evidence to support the Petitioner's allegations in both Counts A & B. Even assuming *arguendo* that IDES erred by not sending the Petitioner a copy of the WCSAO's second appeal, there is not one iota of evidence before the Commission which would cause a reasonable person to conclude that IDES was motivated either by the Petitioner's race or by

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retaliation. The Petitioner essentially speculates that her race or retaliation were the reasons why she did not receive a copy of the second appeal; however, mere speculation and conjecture do not constitute substantial evidence of discrimination or retaliation. See Willis v. IDHR, 307 Ill.App.3d 317, 718 N.E.2d 240 (4<sup>th</sup> Dist. 1999).

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Illinois Department of Employment Security, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS**

**HUMAN RIGHTS COMMISSION**

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Entered this 26<sup>th</sup> day of May 2010.

Commissioner Sakhawat Hussain, M.D.

Commissioner Spencer Leak, Sr.

Commissioner Rozanne Ronen